

APPROVED: Meeting No. 33-81

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 30-81

August 24, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, August 24, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Attorney Francis Lacey; Director of Public Works Robert Goodin; Assistant City Manager Daniel Hobbs; Budget Officer Anna Lee Berman; Director of Planning James M. Davis; Information Officer Sue M. Patterson; and Director of Finance John Lawton.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Edmonston Drive Bridge was opened to traffic last Tuesday.
2. The City's intern, Barry Deutsch, has accepted a position as administrative assistant to the City Manager in Paramount, California.
3. Several members of the staff toured the Gude Landfill Transfer Station and the Oaks site in Laytonsville today.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

Senior Citizens Commission: Pearl Sigel - three year term
263 Congressional Lane #514

Economic Development Commission: Robert Turner - one year Chairmanship

Re: Award of Contract: Bid 2-82,
Concrete Maintenance

Bids were opened at 3 p.m. Thursday, July 30, 1981, in the Mayor and Council Chamber. Ten bids were received as follows:

Alfa Ltd., Kensington, Maryland	\$411,175.00
Nazario Construction Co., Beltsville, Maryland	423,725.00
F.O. Day, Rockville, Maryland	451,250.00
Madeira Construction, Arlington, Virginia	460,215.00
Rapp Contracting, Inc., Beltsville, Maryland	465,330.00
Calcon Co., Inc., Gaithersburg, Maryland	465,705.00
Pessoa Construction Co., Hyattsville, Maryland	475,439.50
Concrete General, Gaithersburg, Maryland	484,590.00
Pilot Construction Co., Burtonsville, Maryland	510,837.50
Old Line Contracting Co., Beltsville, Maryland	518,995.00

Budget Appropriation & Engineer's Estimates:

Concrete Maintenance	\$384,000.00
Utility Street Repair	80,000.00
Baltimore Road Guardrail	8,000.00
TOTAL	<u>\$472,000.00</u>

Concrete Maintenance Contract: This is the annual maintenance contract for the repair of concrete drive aprons, curbs, sidewalks and drainage systems at various locations throughout the City. The bid basically establishes unit prices to cover these various items, with the objective to complete as much work as possible with the available appropriation.

Utility Street Repair: This contract includes items for the repair of streets excavated in connection with water and sewer utility repairs. These items are used on an as-needed basis only.

Baltimore Road Guardrail: This project covers the installation of 400 linear feet of standard State Highway Administration metal guardrail for the protection of pedestrians. It will be installed on the south side of Baltimore Road, beginning at a point 400 feet east of Gladstone Drive in the vicinity of the Calvin Park.

Analysis: Of the nineteen contractors which expressed an interest in this contract, bids were received from ten. This represents the greatest number of bids received for this contract in several years. Last year, six bidders responded to a contract which was approximately 25 percent the size of the current contract.

The low bidder ALFA, LTD. has not worked for the City before. However, they are associated with the Lisbon/Madeira Company, a local firm which has performed above average work for the City on several contracts over the past years. They have performed concrete repair work in a satisfactory manner for the Howard County government, according to a spokesman for Howard County.

It is recommended the Mayor and Council:

- (a) Award the contract to the low bidder, ALFA LTD, at the unit prices quoted, in the total amount of \$472,000.00.
- (b) Instruct the Staff to expend the full budget appropriation of \$384,000.00 for concrete street repairs.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 2-82, was awarded to the low bidder, ALFA LTD., in the total amount of \$472,000, as the staff recommended, at the unit price quoted.

Re: Award of Contract: Bid No. 4-82,
Modular Building

Bids were opened at 3 p.m. on August 13, 1981, in the Council Chamber for one 24' x 50' modular building to be erected at the Public Works site at 1400 Gude Drive.

The bids were received as follows:

1. Allied Trailer Sales, Brandywine, Maryland	\$26,259.00
2. Williams Mobil Offices, Baltimore, Maryland	27,500.00
3. Modular Concepts, Cockeysville, Maryland	28,455.00
4. Design Space International, Cockeysville, Maryland	28,666.60
5. Porta Space Inc., Jarrettsville, Maryland	31,566.00
6. Satellite Industries, Minneapolis, Minnesota	37,250.00
7. Arther Industries, Cherryville, Connecticut	47,888.00

This building will be placed on a foundation provided by the City and be placed to the rear of the existing operations building.

This will provide necessary office space for the Utilities Division, the Streets Division, the Refuse Division, and the Recreation Department (field divisions).

There was \$35,000 provided in the FY 82 C.I.P. Budget. Staff recommends that the contract be awarded to the low bidder, Allied Trailer Sales and Rental, at \$26,259.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 4-82 was awarded to the low bidder, Allied Trailer Sales, in the amount of \$26,259.00.

Re: Award of Contract: Bid No. 5-82
Smoothseal Contract - Streets
and Parking Areas

Bids were opened for the Fiscal Year 82 smoothseal contract at 3 p.m. on Thursday, August 6, 1981, in the Mayor and Council Chambers. Three bids were received as follows:

W&W Paving, Inc., Frederick, Maryland	(\$29.98 per ton)	\$231,059.40
Brigham & Day Paving Co., Rockville, Maryland	(\$30.44 per ton)	\$232,272.70
A.H. Smith, Branchville, Maryland	(\$31.10 per ton)	\$242,643.00

Engineer's Estimate	(\$32.00 per ton)	\$245,500.00
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Budget Appropriation:	Streets	\$209,000.00	
	Parks	\$ 24,000.00	
	TOTAL		\$233,000.00

The current bid is based on 7152 tons of smoothseal and utility adjustments for streets and 128 tons for Parks and Recreation parking lots and related repairs. A contractual provision was included which allows the City the option to adjust the quantities to utilize the total smoothseal appropriation. Because smoothseal is a preventive maintenance process, there are additional streets and parking areas which could benefit by addition to this year's program. Given the favorable prices (smoothseal was \$29.60 per ton in 1980), it would be advisable to extend the contract to utilize the total appropriation.

W&W Paving, Inc. has never worked for the City before. However, their references and experience history have been checked.

It is recommended the contract be awarded to the low bidder, W&W Paving, Inc., at the unit price quoted and in the total amount of the appropriation of \$233,000.00.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 5-82 for Smoothseal was awarded to the low bidder, W&W Paving, Inc., at the unit price as quoted in the total amount of \$233,000.

Re: Introduction of Ordinance:
To authorize public improvements
for construction of sidewalk along
south side of Maryland Avenue

On motion of Councilman Freeland, there was introduced upon the table an ordinance authorizing public improvements for construction of a sidewalk along the south side of Maryland Avenue, said ordinance to lay over at least one week before final action is taken.

Councilwoman Fordham noted that her only condition for voting for this ordinance will be if the cost is picked up from general obligation funds and not assessed against the abutting property owners.

Re: Consideration of Request for
Montgomery County to deviate
from the Master Plan regarding
the alignment of Route 28

It has been brought to staff's attention that pending residential and mixed-use commercial development located outside the City in the Maryland Route 28 Corridor, north of Shady Grove Road and west of I 270, cannot be accommodated without major adjustment to the existing highway network to provide additional capacity.

The staff recommends that the Mayor and Council reaffirm its commitment to the Master Plan, and more particularly the Relocated alignment of Route 28. Further, that the Mayor and Council express strong opposition to any proposed widening of existing Route 28 beyond its current two-lane rural standards (excluding turn-outs and other traffic and Transportation Systems Management (TSM) measures needed for safety).

Staff also recommends that they be directed to enter into extended discussions with State and County Officials to secure a commitment from the State to match the County in the construction of Relocated Route 28 in its Master Planned alignment. This may be the only opportunity for the State to share the cost of constructing this new facility with another government given the lack of available Federal highway construction funds.

This recommendation would meet planning objectives of the City and County; provide greater long term benefits to the City and County; and, implement needed highway construction projects to meet existing and planned future development in the Research Boulevard-Piccard Drive-Shady Grove Road-Gade Drive corridors.

The Council discussed this noting that they cannot support the widening and must reaffirm its commitment to the relocation.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Mayor and Council approved the staff's recommendation of commitment to the Master Plan and asked that the staff continue to work with the Department of Transportation and the Maryland National Capital Park and Planning Commission on resolution of the problem.

Re: Authorization for Mayor to
appoint member to joint task
force on political signs

This is in response to a request from the Montgomery County Chapter of the Maryland Municipal requesting Rockville's cooperation in reviewing its present

political sign requirements in the City of Rockville, the City of Gaithersburg, and Montgomery County. Since there are at present different requirements, it is difficult for candidates running for political office to remain in compliance with the jurisdiction's respective laws. The intention is to appoint a task force to review staff findings and make recommendations for uniformity.

Councilman Tyner moved, duly seconded and unanimously passed, that the Mayor be authorized to appoint a member to the joint task force on political signs.

Re: Proposal to establish task force
to develop recommendations for
creation of a senior citizens
non-profit corporation

Staff recommends that the Senior Citizens corporation be established to raise funds to offset operating expenses of the proposed Senior Citizens Center to be located at Woodley Gardens School. The Mayor and Council adopted this idea at the time the grant application for the school was made. There are several questions that must be addressed, problems that must be reviewed. Staff suggests that the task force be made up of 3 senior citizen commission members, 3 senior club presidents, an attorney and a representative from the Rockville Chamber of Commerce. A time schedule is submitted to the Mayor and Council calling for a task force report to be submitted by October 12.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Mayor and Council agreed to the task force proposal.

Re: Resolution: To extend Community
Development cooperative
agreement with Montgomery County

Resolution No. 21-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 21-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, extending the Community Development Cooperative agreement with Montgomery County, was approved by the Mayor and Council, with the changes as recommended by the staff calling for the revision of paragraph 2 of the contract and continued negotiations between the City and the County to ensure that Rockville receives an acceptable share of funds.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

There being no citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Decision and instructions to staff re Sectional Map Amendment Application, M-29-81, comprehensive rezoning of 22.5 acres Dawson/Adams Study area, Rockville Planning Commission, Applicant

Councilwoman Fordham said she plans to vote to deny the application. She feels there is now enough O-2 in the Town Center area. The O-2 was originally created to act as a transition and a buffer between homes and offices. She said there is a dire lack of moderate housing stock in the City and this will further deplete that. She suggested that the staff work with the developer and insist on an improvement to that area to meet the City's goals. Councilman Tyner said he plans to vote for the application. The City has been looking at that particular area since September of 1979 and has had many discussions with the developers concerning the Town Center Plans. When the Plan was adopted, the Mayor and Council agreed to wait on that particular area to work out something. He said it would be impossible for the City to solve all the area's housing problems. Councilman Abrams said the public hearing was quite remarkable on this particular application; but in reviewing the information subsequent to that, he has changed his mind. There is no reason to retain the housing stock with a wish and a hope. Every parcel being used for housing cannot remain so. It would seem that this application shows a most appropriate use in this area abutting the Town Center. Mayor Hanna agreed and said the citizens were poignant and well-spoken. If that were the only criterion to be used, he, too, would deny the application, but the additional information furnished concerning the financial situation shows a loss every month to the owners and O-2 means a conversion to something viable. \$10,000 in improvements were put into buildings across the street and still vacancies exist so conversion to O-2 will allow solvency and should strengthen the residential units on the other side of the street since they will be facing better units. He plans to vote for the application. Councilwoman Fordham noted that one of the soundest reasons for voting against it is the City's adopted housing policy and conversion flies in the face of that policy. She is concerned about the domino effect. She added that when the Council speaks of economics, it was not too long ago that these units were purchased and the developer has looked to the highest profit factor. She said she does not consider the properties to be blighted. They are decent and adequate housing.

Mayor Hanna noted that Councilwoman Fordham's arguments were well taken.

Councilman Freeland moved, duly seconded, that the staff prepare the necessary documents to approve the comprehensive rezoning application. The motion passed, only Councilwoman Fordham voting nay.

Re: Public Hearing: Proposed
Ordinance to amend Chapter 16
of the "Laws of Rockville", entitled
Cable Television, to permit the
City the option of joining with
Montgomery County in the award of
a franchise

The Mayor and Council conducted a public hearing on an ordinance to amend Chapter 16 of the "Laws of Rockville" entitled Cable Television, to permit the City the option of joining with Montgomery County in the award of a franchise, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed with the record to be held open for three weeks.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. County Executive Gilchrist re use of propane vehicles
Councilman Freeland suggested that the County be told of the City's use of propane vehicles.
2. B. J. Carter, re park naming
Henry Carter, re park naming
3. Maryland Association of Historic District Commissions re certification program
4. Maryland Department of Transportation, J. J. O'Donnell, re State Consolidated Transportation program
5. Mary Brill, thank you
6. Blair Ewing, thank you
7. Senator Sarbanes, re neighborhood hearings on high interest rates
8. P. Sante, re litter problem in downtown Rockville
Councilwoman Fordham suggested the use of the City workers to clean up the areas.
9. H. Osborn, Woodley Gardens Homeowners, re water detention facility

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from City Manager re leave

2. Memo from Director of Finance re short term investment of cash assets
The staff was complimented on the excellence of the memo.
3. Project reports from CDHA
4. Memo from City Manager re Exterior Property Surveys
The Council will give their suggestions to the City Manager for a new letter.
5. Two license applications for comment
The Council has no problems with these applications.
6. Memo from City Manager re F. Scott Fitzgerald's lobby
The Council noted that some of the art that was chosen would not be their preference and asked if they might preview the art before final selection is made. The City Manager said he would look into this request.
7. Planning Department Project reports
8. Finance Department Project reports

Re: New Business

1. Mayor Hanna appointed Councilman Abrams to represent the City on the task force to investigate political signs.

Re: Approval of Minutes

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 24-81, June 29, 1981, were approved as written.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 25-81, July 20, 1981, were approved as written.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:50 p.m. to convene again in general session on Monday, September 14, 1981, at 8:00 p.m. or at the call of the Mayor.